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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,522	10/03/2003	Chun-Kai Huang		1347

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EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT PAPER NUMBER

3634

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/678,522

Applicant(s)

HUANG ET AL.

Examiner

Jennifer E. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This final Office action is in response to the amendment filed April 2, 2005 by which claims 1-4, 6, 7, 8-11, 13-16, and 17-19 were amended.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-12, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0010672 (Simpson *et al.* '672).

Simpson *et al.* '672 disclose a cassette for accommodating a plurality of substrates (W) whereby the cassette comprises a pair of frames (101 and 102), and a pair of supporting plates (each half of Figure 1) fixed to the frames; each supporting plate comprising a main body (the back portions, where element 160 is located in Figure 2, are collectively considered to define the main body) having a plurality of wing panels (111) extending from the main body and the main body having at least two through grooves (159 and 160) formed perpendicular, i.e., the axis of the grooves runs substantially horizontally and the axis of the wing panels runs substantially vertically) to the wing panels (111); each supporting plate further comprising at least two stiff shafts (158 and 154) being received in the two through grooves (159); each wing panel (111) comprising a plurality of protrusions (150 and 152) extending from an end and the wing panels

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(111) slope down (i.e., note the top portion of each element 111 slopes downwardly); the wing panels (111) are spaced apart from one another by a space interval and each space interval defines at least a hole through (it is noted the hole is considered to be defined through the main body in the vertical direction, i.e., each main body inherently has a top and a bottom) the main body; the main body defines a plurality of holding members (elements 159 not defined as grooves).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, and 13-16 (are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson *et al.* '672, alone.

Simpson *et al.* '672 disclose the cassette as advanced above whereby each end of a stiff shaft (that of 154) is inserted a nut (156).

The claims differ from Simpson *et al.* '672 in requiring: (a) the shafts to be made from metal (claims 6 and 13); and (b) the shafts to define a threaded hole in each end.

*With respect to (a)*, although Simpson *et al.* '672 do not disclose the shafts being made from metal, it would have been an obvious design choice to one of ordinary skill in the art at the time the invention was made to have fabricated the shafts from metal, for ease in economy and manufacture.

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*With respect to (b)*, although Simpson *et al.* '672 do not disclose the ends of the stiff shaft having a threaded hole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided each end with a threaded hole, thereby reversing the parts by having a fastener connected into the threaded hole in the shaft as opposed to the ends connected to a nut (156), thereby increasing ease in economy and manufacture while allowing ease in assembly (see MPEP 2144.04(VI)(A)).

### ***Response to Arguments***

Applicant's arguments filed April 2, 2005 have been fully considered but they are not persuasive.

Regarding applicant's argument (see middle of page 8) that "claim 1 specifically point out that the wing panels slop down, but not canted slightly upward described in Simpson *et al.* '672", it is noted that claim 1 of the instant application states that "the wing panels slope down" (e.g., see line 7 of claim 1) and that no structural orientation of the wing panels is given in the claim. *Hence*, the orientation of the "wing panels" in Simpson *et al.* '672 is considered to meet the limitation of the claims since the top surface of each wing panel in Simpson *et al.* is sloped downwardly from the back side of the main body towards the interior of the cassette.

With respect to applicant's argument (see top of page 9) that "the function of the supporting plates with the structure disclosed therein are different from that disclosed in Simpson *et al.*" it is noted that the function, or intended use, of a device does not necessarily make the claim allowable. *Nevertheless*, even though applicant believes the function of the instant device is different from that of Simpson *et al.*, it is noted that in no way does applicant even recite a

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function in any of the instant claims, and thus these arguments are considered to be more limiting than what is actually being claimed and therefore are not commensurate with the scope of the claim.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

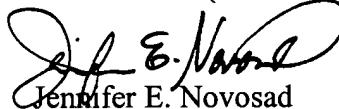
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer E. Novosad  
Primary Examiner  
Art Unit 3634

Jennifer E. Novosad/jen  
June 7, 2005